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10 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 F.G. CROSTHWAITE and RUSSELL E.
BURNS, in their respective capacities as
13 Trustees, et al.,

14 Plaintiffs,

15 v.

16 A PLUS MATERIALS AND RECYCLING,
INC. a California Corporation, et al.,

17 Defendants.
18

Case No: C10-4342 SI

**STIPULATION OF VOLUNTARY
DISMISSAL**

19
20 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1)(ii), Plaintiffs
21 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUNDS, et al., and Defendants
22 A PLUS MATERIALS AND RECYCLING, INC., RODNEY RAY LAWLEY, and
23 RECOLOGY, INC., stipulate to the voluntarily dismissal, without prejudice, of Defendant
24 RECOLOGY, INC., in this action.

25 Plaintiffs have not previously filed or dismissed any similar action against Defendant.

26 Plaintiffs named Recology, Inc. as a Defendant in this Action on the information and belief
27 that Recology had purchased the assets and liabilities of Defendant A Plus Materials and
28 Recycling, and thus was a successor entity to A Plus Materials and Recycling.

**STIPULATION OF VOLUNTARY DISMISSAL
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1 Plaintiffs and Defendant Recology have engaged in informal negotiations and discovery,
 2 and at this time Plaintiffs are satisfied that Defendant Recology is not a successor entity to
 3 Defendant A Plus Materials and Recycling.

4 Thus, the parties request that the Court immediately dismiss Defendant Recology, Inc.
 5 from this matter without prejudice.

6 Respectfully submitted,

7 Dated: March 18, 2011

**SALTZMAN & JOHNSON
LAW CORPORATION**

9 By: /S/Blake E. Williams

Blake E. Williams
Attorneys for Plaintiffs

11 Dated: March 21, 2011

**HOWARD RICE NEMEROVSKI
CANADY FALK & RABKIN**

14 By: /S/ Gilbert J. Tsai

Gilbert J. Tsai
Attorneys for Defendant Recology, Inc.

16 Dated: March 21, 2011

**BROWN, HALL, SHORE
& MCKINLEY**

18 By: /S/ John McKinley

John McKinley
Attorneys for Defendants A Plus Materials
and Recycling, and Rodney Ray Lawley

21 IT IS SO ORDERED.

22 This case is dismissed without prejudice and the Court shall retain jurisdiction over this
 23 matter.

24 Dated: 3/22/11



25 THE HONORABLE SUSAN ILLSTON
 26 UNITED STATES DISTRICT COURT JUDGE